

REMARKS

The present application was filed on May 24, 2001 with claims 1 through 26. Claims 1 through 26 are presently pending in the above-identified patent application. Claims 27-31 are proposed to be added herein.

5 In the Office Action, the Examiner withdrew the rejection of claims 1-26 under 35 U.S.C. §102(b) as being anticipated by Kenagy et al. (United States Patent Number 5,842,124). The Examiner rejected claims 1-6 and 8-26 under 35 U.S.C. §102(e) as being anticipated by Ueshima (United States Patent Number 6,731,731), and rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Ueshima in view of
10 Mabrouki (United States Patent Number 6,278,863).

The present invention is directed to a method and apparatus for preventing unauthorized access to a restricted item using a cellular telephone that has been previously associated with a user, for example, during a registration process. The user is initially identified, for example, by entering a password, and a one-time pseudo-random
15 token is provided to the user using a first communication channel. The user is requested to dial a telephone number associated with an access control service using a cellular telephone that has been previously associated with the user and enter the assigned token. The user obtains access to the restricted item if the assigned token is entered from a cellular telephone having a serial number that has been previously associated with the
20 particular user.

Independent Claims 1, 11, 17 and 20-26

Independent claims 1, 11, 17 and 20-26 were rejected under 35 U.S.C. §102(e) as being anticipated by Ueshima.

Regarding claim 1, the Examiner asserts that Ueshima discloses providing
25 access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (#111 FIG. 1; col.3, lines 30-57).

Applicants note that Ueshima teaches that a user *requesting* a password must do so from a terminal associated with a particular telephone number (col. 9, lines 5-
30 22). Although the received password may then be entered by the user into the same device (as that used to request the password), this is not required and, in fact, Ueshima

discloses that a user typically enters the password into a device different than that used to request the password (col. 11, lines 50-52; col. 11, lines 55-58). The user is granted access to the resource *if the password entered by the user matches the password sent to the user (col. 3, lines 45-49; col. 6, lines 53-58; col. 9, lines 32-35)*. Independent claims 1, 11, 17, and 20-26 require *instructing said user* to enter said provided token using a cellular telephone and providing access to said user *if said entered token matches said provided token* and is “*received via a wireless connection from a cellular telephone having a serial number previously associated with said user.*” Ueshima does not teach instructing said user to enter said provided token using a cellular telephone, and does not teach providing access to said user *if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user.*

Thus, Ueshima does not disclose or suggest instructing said user to enter said provided token using a cellular telephone and does not disclose or suggest providing access to said user if said entered token matches said provided token and is “received via a wireless connection from a cellular telephone having a serial number previously associated with said user,” as required by independent claims 1, 11, 17, and 20-26.

Additional Cited References

Mabrouki was also cited by the Examiner for its disclosure of providing an amount for approval to said access control administrator. Applicants note that Mabrouki is directed to a “system for exchanging data between a portable payment terminal and a stationary base terminal in communication with a payment center.” Malbrouki does not address the issue of tokens received from a cellular telephone.

Thus, Mabrouki does not disclose or suggest instructing said user to enter said provided token using a cellular telephone and does not disclose or suggest providing access to said user if said entered token matches said provided token and is “received via a wireless connection from a cellular telephone having a serial number previously associated with said user,” as required by independent claims 1, 11, 17, and 20-26.

New Claims 27-31

New claims 27-31 have been added to more particularly point out and distinctly claim various features of the invention, consistent with the scope of the

originally filed specification, in order to give Applicants the protection to which they is entitled. No new matter is introduced. Support for this material is set forth at pages 6-14 of the originally filed specification. The Examiner has previously considered the subject matter presented in new claims 27-31 when rejecting, for example, claims 1-4 and 10.

5 More specifically, claim 27 recites the steps of providing a token to said user using a first communication channel; receiving said provided token from said user via a cellular telephone that has been previously associated with said user; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with
10 said user.

While rejecting claim 1, the Examiner argued that Ueshima discloses providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (#111 FIG. 1; col.3, lines 30-57).

15 As Applicants previously noted, Ueshima teaches that a user *requesting* a password must do so from a terminal associated with a particular telephone number (col. 9, lines 5-22). Although the received password may then be entered by the user into the same device (as that used to request the password), this is not required and, in fact, Ueshima discloses that a user typically enters the password into a device different than
20 that used to request the password (col. 11, lines 50-52; col. 11, lines 55-58). The user is granted access to the resource *if the password entered by the user matches the password sent to the user* (col. 3, lines 45-49; col. 6, lines 53-58; col. 9, lines 32-35). Independent claim 27 requires receiving said provided token from said user via a cellular telephone that has been previously associated with said user; and providing access to said user if
25 said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user. Ueshima does not teach providing access to said user *if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user*.

30 Thus, Ueshima and Mabrouki, alone or in combination, do not disclose or suggest receiving said provided token from said user via a cellular telephone that has

been previously associated with said user; and providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by independent claim 27.

5 Allowance of claims 27-31 is believed to be warranted.

Dependent Claims 2-10, 12-16, 18 and 19

Dependent claims 2-6 and 8-10, 12-16, 18, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Ueshima and claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ueshima in view of Mabrouki.

10 Claims 2-10, 12-16, 18-19, and new claims 28-31 are dependent on claims 1, 11, 17, and new claim 27, respectively, and are therefore patentably distinguished over Ueshima and Mabrouki (alone or in combination) because of their dependency from independent claims 1, 11, 17, and 27 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

15 All of the pending claims following entry of the amendments, i.e., claims 1-31, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

20 The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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